

DAVID A. ROSENFELD, Bar No. 058163  
WEINBERG, ROGER & ROSENFELD  
A Professional Corporation  
1001 Marina Village Parkway, Suite 200  
Alameda, California 94501  
Telephone (510) 337-1001  
Fax (510) 337-1023  
E-Mail: drosenfeld@unioncounsel.net

Attorneys for Charging Party, THE COMMITTEE  
TO PRESERVE THE RELIGIOUS RIGHT TO  
ORGANIZE

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD

HOBBY LOBBY STORES, INC.

and

THE COMMITTEE TO PRESERVE THE  
RELIGIOUS RIGHT TO ORGANIZE

Case 20-CA-139745

**CHARGING PARTY'S RESPONSE  
TO NOTICE TO SHOW CAUSE**

The Charging Party intends to seek review of the Board's Supplemental Decision and Order in this case.

The Board cannot ignore the fact that the Federal Arbitration Act does not apply to disputes covered by the forced unilateral arbitration procedure, not does it apply to all employees of Hobby Lobby Stores, Inc. See *New Prime Inc. v. Oliveira*, 17-340 (January 15, 2019).

Nonetheless, as to the Notice to Show Cause, the Charging Party believes that this matter should be remanded to an Administrative Law Judge for a full hearing.

The Charging Party will put on evidence that there is no business justification, that the policy has been interpreted and applied unlawfully, that the policy does not apply to all disputes, and certainly does not apply to transportation employees and other arguments and contentions.

For these reasons, the matter should be remanded to an Administrative Law Judge for a full evidentiary hearing.

Dated: January 16, 2019

Respectfully submitted,

WEINBERG, ROGER & ROSENFELD  
A PROFESSIONAL CORPORATION

By: /s/ David A. Rosenfeld  
DAVID A. ROSENFELD

*Attorneys for Charging Party*, THE COMMITTEE  
TO PRESERVE THE RELIGIOUS RIGHT TO  
ORGANIZE

137247\1006137

## **PROOF OF SERVICE**

I am a citizen of the United States and resident of the State of California. I am employed in the County of Alameda, State of California, in the office of a member of the bar of this Court, at whose direction this service was made. I am over the age of eighteen years and not a party to the within action.

On January 16, 2019, I served the following documents in the manner described below:

### **CHARGING PARTY'S RESPONSE TO NOTICE TO SHOW CAUSE**

- ☒ (BY ELECTRONIC SERVICE: By electronically mailing a true and correct copy through Weinberg, Roger & Rosenfeld's electronic mail system from [kkempler@unioncounsel.net](mailto:kkempler@unioncounsel.net) to the email addresses set forth below.

On the following part(ies) in this action:

Mr. Frank Birchfield  
Ogletree Deakins  
599 Lexington Avenue, Suite 1700  
New York, NY 10022  
[frank.birchfield@ogletree.com](mailto:frank.birchfield@ogletree.com)

Christopher C. Murray  
Ogletree Deakins  
111 Monument Circle, Suite 4600  
Indianapolis, IN 46204  
[Christopher.murray@ogletree.com](mailto:Christopher.murray@ogletree.com)

Ms. Yasmin Macariola  
Field Attorney  
National Labor Relations Board, Region 20  
901 Market Street, Suite 400  
San Francisco, CA 94103-1738  
[Yasmin.macariola@nlrb.gov](mailto:Yasmin.macariola@nlrb.gov)

Ronald Wayne Chapman, Jr.  
Ogletree Deakins  
Preston Commons, W.  
8117 Preston Road, Suite 500  
Dallas, TX 75225  
[ron.chapman@ogletree.com](mailto:ron.chapman@ogletree.com)

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on January 16, 2019, at Alameda, California.

/s/ Karen Kempler  
Karen Kempler